

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTY

CRL.M.P.No.17172 of 2016
and
CRIMINAL PETITION No.15176 of 2016

COMMON ORDER

The criminal petition is filed under Section 482 Cr.P.C. to quash the FIR in Crime No.232 of 2015 of Avanigadda Police Station, registered for the offences punishable under Sections 420, 384 read with Section 34 IPC, against petitioners/A1 to A5.

2. Crl.M.P.No.17172 of 2016 is filed under Section 320(2) Cr.P.C., by both parties to record compromise and quash the proceedings in the aforesaid crime.

3. Today, when the matter came up for hearing, the second respondent/de facto complainant and petitioners/A1 to A5 are present and are identified by their respective counsel. It is submitted by both parties that at the intervention of elders, the parties have amicably settled their disputes concerning the present case and hence compromise may be recorded and criminal proceedings in the above case may be quashed.

4. In **Gian Singh v State of Punjab**¹, the apex Court observed as under:

“..... In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding

¹ (2012) 10 SCC 303

would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

5. The dispute in the present case is with regard to giving money to the needed persons at high rate of interest and taking the empty promissory notes. The dispute appears to be civil in nature and it will have social impact on the society. However, in view of the compromise between the parties and by following the principles laid down in **Gian Singh’s** case, this Court is of the view that even if the proceedings are allowed to continue, the second respondent may not support the case of the prosecution and no purpose would be served in keeping the matter pending in view of the settlement arrived at between the parties.

6. Having regard to the facts and circumstances of the case and also the principle enunciated in the case cited supra, I am of the considered opinion that it is a fit case to quash the proceedings.

7. In the result, Crl.M.P.No.17172 of 2016 is ordered. Consequently, the Criminal Petition is allowed and the proceedings in Crime No.232 of 2015 on the file of Avanigadda Police Station, Krishna District, are quashed against petitioners/A1 to A5. . Miscellaneous petitions, if any, pending in the criminal petition, shall stand closed.

M. SATYANARAYANA MURTY J

20th October, 2016

sj